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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,686	08/30/2001	Takeshi Nagai	213442US2SRD	6197
22850	7590	10/19/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,686

Applicant(s)

NAGAI ET AL.

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 7, 8, 10, 13, 14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Balakrishnan.

Referring to claims 1, 7, and 13, Balakrishnan discloses an image data transmitting apparatus/method (system for encoding video information for transmission)(col. 3, l. 59-60) comprising:

- means 48 for encoding input image data (col. 3, l. 59-64)(Fig. 3); and
- transmitting means for packetizing encoded data output from said encoding means and transmitting data packets (the examiner notes that the quantization size of the data is varied, the data is compressed, and the data is then transmitted in packets)(col. 5, l. 19-43, 58-67)(col. 6, l. 1-19, 35-51), the transmitting means comprising delay means 48, 54 for controlling a transmission timing of each of the data packets (col. 12, l. 20-21)(Fig. 3) thereby to transmit the data packets at intervals longer than a predetermined value (the data packets are transferred so as not to exceed the constant frame rate)(col. 4, l. 15-23)(col. 6, l. 35-51)(col. 7, l. 36-59).

Referring to claims 2, 8, and 14, Balakrishnan discloses the image data transmitting apparatus/method according to claims 1, 7, and 13, respectively, wherein the delay means 48, 54

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controls the transmission timing based on a bandwidth of a network to be used for transmission of the data packets and a data size of the data packets (the examiner notes that the transmission rate is controlled by encoder 48 and communication network 54. In Balakrishnan, the network buffer capacity is analogous to bandwidth and the quantization value is analogous to data size of data packets)(col. 12, l. 20-40)(Fig. 3).

Referring to claims 4, 10, and 16, Balakrishnan discloses the image data transmitting apparatus/method according to claims 1, 7, and 13, respectively, wherein the transmitting means comprises means for storing the encoded data, the encoded data stored in the storing means being transmitted, and the image transmitting apparatus further comprising:

- means for varying a data storage size of the storage means according to an image size of the input image data (the examiner notes that the logical buffer size varies according to the transmission bit-rate, and the transmission bit-rate is directly related to the quantization of the frame data)(col. 4, l. 7-23)(col. 9, l. 17-37).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5, 11, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldhor et al.

Referring to claims 5, 11, and 17, Goldhor et al. discloses an image data receiving apparatus/method (apparatus for preparing media for playback)(p. 2, l. 24-28) comprising:

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- means 400 for receiving encoded image data (p. 3, l. 28);
- means 400 for storing the encoded image data received by the receiving means (p. 3, l. 29-30);
- means 400 for decoding the encoded image data stored in the storing means (p. 5, l. 20-23);
- means 700 for varying priorities of operations of the receiving means and the decoding means according to a volume of the image data stored in the storage means (note that the input flow to buffer 400 and the output flow to playback are both changed and playback is given less priority (slows down playback) if the buffer needs to fill up. In other words if there are transmission delays to the buffer, the filling of that buffer gets priority over playback)(p. 4, l. 15-20)(p. 5, l. 27-30)(p. 6, l. 7-12, 30-32)(Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Goldhor et al.

Referring to claims 3, 9, and 15, Balakrishnan discloses the image data transmitting apparatus/method according to claims 1, 7, and 13, respectively, wherein the transmitting means

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comprises means for storing the encoded data 20, the encoded data stored in the storing means being transmitted. Balakrishnan does not disclose:

- means for varying priorities of operations of the encoding means and the transmitting means according to a volume of data stored in the storing means.

Goldhor et al. discloses changing priorities between filling a buffer 400 and playback of data within the buffer (p. 4, l. 15-20)(p. 5, l. 27-30)(p. 6, l. 7-12, 30-32)(Fig. 2). For example, if the buffer fill level is getting low, playback is given less priority so that the buffer fill level can catch up. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Balakrishnan to shift priorities between the input of a buffer and the output of a buffer to maintain buffer fill levels such as that taught by Goldhor et al. in order to provide substantially continuous playback of media (p. 2, l. 13-14).

Claims 6, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor et al. in view of Cheney et al.

Referring to claims 6, 12, and 18, Goldhor et al. discloses the image data receiving apparatus/method according to claims 5, 11, and 17, respectively. Goldhor et al. does not disclose means for varying a data storage size of a storing means according to a size of the encoded image data. Cheney et al. discloses an overflow buffer (Spill Buffer) that is dynamically assigned to a buffer in need of extra storage capacity. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Goldhor et al. to include an overflow buffer such as that taught by Cheney et al. in order to reduce the required amount of DRAM in an MPEG-2 decoder (col. 4, l. 16-19).

Conclusion

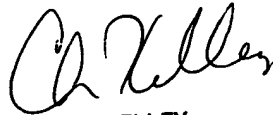
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH


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